IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2943 OF 2005

Suresh Dada Mohite & Ors. : Petitioners

(Orig.Pltffs.No.1 to 7(d)

V/s.

Sapna Uttam Kalal & Ors. : Respondents

...

Mr.R.P.Walvekar for the petitioners.

None present for the respondents.

...

CORAM : S.A. BOBDE, J.

August 3, 2005.

P.C.:

1. The petitioners have preferred this petition against the order dated 11.1.2005 rejecting their application for prohibiting the defendants from cross-examining the plaintiffs.

2. The petitioners, who are the plaintiffs, had applied to the trial Court praying that the defendant nos.6 and 7 i.e. the respondents herein are not entitled to lead additional evidence since the defendants nos.6 and 7 are subsequent and since the petitioners have already registered lis pendence. This application, in my view,

has rightly been rejected because the respondent nos.1 and 7 i.e. the defendant nos.6 and 7 are undoubtedly parties to the suit and would be entitled to lead such evidence as may be appropriate.

3. Accordingly, the petition is dismissed.

S.A. BOBDE, J.